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Attorneys for Appellee

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF OREGON**

**IN RE KATHLEEN ARTHUR**, Debtor.

Case No.: 3:18-CV-01569-HZ

**IN RE MARY ANN MICHIKO ROBERTS**,  
Debtor.

*Consolidated with* Case Nos.:  
3:18-CV-01570 and 3:18-CV-01571

**IN RE CHERYL KAE STITES**, Debtor.

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**VINCENT HOWARD and  
HOWARD LAW, P.C.**,  
Appellants,

v.

**GREGORY M. GARVIN,  
ACTING UNITED STATES TRUSTEE**,  
Appellee.

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**MOTION OF APPELLEE, GREGORY  
M. GARVIN, ACTING UNITED  
STATES TRUSTEE, FOR A STAY IN  
LIGHT OF LAPSE IN  
APPROPRIATIONS**

Appellee, Gregory M. Garvin, the Acting United States Trustee for Region 18 (“United States Trustee”), hereby moves under Fed. R. Bankr. P. 9013, and under all other applicable statutes and rules, for a stay of the above-captioned cases.

1. Opposing counsel has authorized counsel for the United States Trustee to state that Appellants have no objection to this motion as long as the stay does not extend beyond twenty-one days. Although the requested stay may not last longer than twenty-one days, as explained below, the United States Trustee’s motion is not limited to twenty-one days.

2. At the end of the day on December 21, 2018, the appropriations act that had been funding the Department of Justice, including the United States Trustee Program, expired and appropriations to the Department lapsed. The Department does not know when funding will be restored by Congress.

3. Absent an appropriation, Department of Justice attorneys and employees, including the United States Trustee and his staff, are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

4. Undersigned counsel for the Department of Justice, through the United States Trustee, therefore requests a stay of the above-captioned cases until Congress has restored appropriations to the Department.

5. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department, including the United States Trustee Program, or enacted another continuing resolution. The United States Trustee requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the United States Trustee hereby moves for a stay of the above-captioned cases until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Date: December 27, 2018

Respectfully submitted,

By: /s/ Jonas V. Anderson  
Jonas V. Anderson  
Acting Assistant United States Trustee

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**CERTIFICATE OF SERVICE**

I certify that on December 26, 2018, I filed the *Motion of Appellee, Gregory M. Garvin, Acting United States Trustee, for a Stay in Light of Lapse of Appropriations* (“Motion”) in the Court’s Electronic Case Filing System and a true and correct copy of the Motion will be served by operation of the Court’s electronic filing system upon all parties who have requested service in this case.

/s/ Jonas V. Anderson

Jonas V. Anderson